

**BILLS COMMITTEE ON  
LAND TITLES BILL**

**TITLE CERTIFICATES, SEARCHES AND  
INSTRUMENTS**

**Purpose**

This paper summarizes the main provisions governing title certificates, searches and instruments under the Land Titles Bill, i.e., parts 4 and 6 of the Bill.

**Title Certificates**

2. Under the proposed title registration system, the Title Register will be the conclusive evidence of the title to the registered land and interest in the registered long term lease. However, the owner or lessee may apply for issue of a title certificate. By virtue of clause 26, upon receiving such application and the necessary fee, the Land Registrar may issue to the owner or the lessee a title certificate showing all current entries in the Title Register affecting the land or lease.
3. A title certificate is admissible as evidence of the matters stated in the certificate as on the date of its issue. However, it cannot be relied on to ascertain the title and all the interests affecting the land. Any person dealing with the property will need to search the Title Register for conclusive evidence of the title to the registered land or interest in the registered long term lease.
4. After the Land Registrar has issued a title certificate, he will make a note in the Title Register that the certificate has been issued.
5. If a title certificate has been issued, a transfer or transmission will not be registered in respect of the land or lease unless the certificate is returned for cancellation. A new certificate will not be issued unless the first certificate is cancelled.

6. If an issued title certificate is lost or destroyed, the owner may make an application for issue of a replacement certificate. The application has to be supported by a statutory declaration. The Land Registrar may require the owner to give notice in newspapers and provide indemnity before issuing a replacement certificate.

### **Searches**

7. Clause 27 of the Bill provides that any person may apply for a search or inspection of the records that the Land Registry is required to maintain under the Bill, namely –

- (a) a Title Register;
- (b) land title records, including the memorials, the applications and documents supporting a current entry in the Title Register; and
- (c) a record of applications, including the Applications Day Book, an “Applications pending registration” portion in the Title Register and an index of unposted applications.

8. A person may also apply for search of historical records. These are documents that have been removed from the register as they no longer support any current entries in the register. Provision for inspection of historical records will be made under regulations.

### **Evidence**

9. Clause 28 of the Bill provides that a document that is produced in evidence before the Court that purports to be a copy, print or extract of or from the Title Register, any land title records, any applications record, any prescribed form or any other document kept in the Land Registry and signed and certified by the Registrar shall be admissible to the same extent as the original.

### **Instruments**

10. The Land Registrar is given the power by Clause 97 to specify the form of conveyancing documents required for the purposes of the Bill. Our intention is that the form of transfer, charge, and discharge documents will be so specified.

11. If no specified form is made by the Land Registrar, the conveyancing documents used prior to the date of first registration can continue to be used.

12. No instrument required by law to be stamped shall be accepted for registration of any matter unless it is stamped in accordance with the requirements of the Stamp Duty Ordinance (Cap.117).

13. The Land Registrar is required to retain a microfilm, image or other record of each land title record in the Land Registry. Where such record has been made and retained in the Land Registry, the Land Registrar may destroy or otherwise dispose of the original land title record or return it to the lodging party.

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*Housing, Planning and Lands Bureau*